



NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Ground Water Quality Bureau*

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RON CURRY  
Secretary  
SARAH COTTRELL  
Deputy Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

May 3, 2010

Mr. Timothy E. Eastep, Manager  
Environment, Land & Water Department  
Freeport McMoRan Copper & Gold Inc.  
Chino Mines Company  
P.O. Box 7  
Hurley, New Mexico 88043

RE: Comments on revised Year 1 Monitoring Report and Chino responses  
Smelter and Tailing Soils Investigation Unit (S/TSIU)  
Chino Administrative Order on Consent (AOC)

Dear Mr. Eastep:

The Ground Water Quality Bureau of the New Mexico Environment Department (NMED) received the revised pages and comment responses for the above referenced document on April 23, 2010. NMED has reviewed the revision and responses and submits the following comments for revision and explanation of data submittal.

Comments on Chino response letter dated April 21, 2010, General Comments:

1. NMED agrees that collecting pCu data at the end of the Amendment Study would be more useful under potentially stable soil conditions.
2. NMED agrees that collecting vegetation bioaccumulation data at the end of the Amendment Study would be more useful under potentially stable soil conditions.
3. NMED eagerly awaits the submittal of the "pH Monitoring Work Plan".
4. NMED realizes that the amendment plot vegetation will be compared to the amendment control/reference plot vegetation which is necessary to determine overall improvements in vegetation by applying the amendments. However, the vegetation data should also be compared to the Closure/Closeout Plan Tailing Reference Area to determine if soil amending

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would be a viable remedial alternative. Please add this comparison to the Year 2 and Year 5 Monitoring Reports.

5. Please disregard; there is no reference plot soil chemistry data.
6. NMED noted the addition of this paragraph. Please add a reference and table(s) including the "metals" chemistry and C/N ratio.

Comments on Chino response letter dated April 21, 2010, Specific Comments:

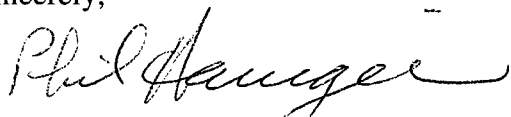
1. Responses 1-6, no additional comments.
2. Responses 7-8, NMED agrees that these comments may be addressed in the Year 5 Monitoring Report.
3. Responses 9-15, no additional comments.
4. Response 16, please provide a revised Table 6 including the data for the West 2 Plot, Percent Cover, Vegetation, Oct-09.

Additional comments:

1. Table 5: 1) please move the asterisks, indicating "unable to identify species", into the Canopy Cover columns; and 2) please fill in any blank data spaces with an appropriate value from Table 2 or a character indicating that species was not found during that specific sampling event.
2. Table 6: please add a note explaining how the "Percent Cover" was calculated; the numbers appear to be rounded versions of the "Cover Class Midpoints".

If you have any questions, please contact me at 388-1934.

Sincerely,



Phil Harrigan, Chino AOC Project Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
Silver City Field Office

cc: Mary Ann Menetrey, NMED  
Jerry Schoeppner, NMED  
Mark Purcell, USEPA  
Mark Lewis, Formation Environmental